

*(Letter to San Juan County Council requesting Council add Docket 21-0003 to DCD work load prior to completion of the Comprehensive Plan, 9 September 2021)*

I write to support Council in *reversing the Planning Commission determination that Docket Request 21-0003 not be advanced to be part of the work order before DCD and the county.*

**Docket 21-0003 represents a minimum standard that should be implemented prior to the completion of the Comprehensive Plan (CP) update.**

GMA requires that a county's CP be internally consistent. As referenced in Docket 21-0003 (hereinafter 03), in 1999 SJC lost its argument before the Western Washington Growth Management Hearings Board (WWGMHB); the county argued that the CP was compliant under a "presumed valid" GMA general CP determination. However, the WWGMHB determined that, among other deficiencies, the 1979 densities are inconsistent with the county's vision statement. As you know, those densities were found to be in egregious violation of GMA, and thus they "substantially interfered" with the Act. Consequently, the WWGMHB imposed an invalidity order on the county which did not get lifted until ~2007 when the county settled with the Petitioners (I was one of the petitioners). Although some density changes were forced on SJC in order to lift the invalidity order, the issue of consistency was never put to additional testing before the HB or the courts. These density modifications reduced, in broad numbers, the original 1979 densities from a buildout population of approx 175,000 to approximately 134,000.

As seen in the SJC Gross Developmental Land Inventory (GDLI) data attached, the buildout population for SJC, assuming all parcels were developed to their maximum residential capacity (excluding commercial, industrial and public uses), and excluding the 10% ADU bump plus the visitor population, exceeds 134,000 people. It is essential that, should the Council accept the PC recommendation to not advance 03, the Council go on record as to how this population is consistent with our vision statement and our limited resources.

The Planning Commission received 82 letters (from March thru September 2021) in support of 03; a list of these comments appears in the attachments.

An editorial written in 1977 (attached below) argued that it was essential to "run the numbers" as to how many people might live in the islands should all parcels be developed. As you know, that calculation has never been done by SJC. Indeed, SJC has consistently refused to even run the numbers, much less conduct an impact study of what those numbers would mean in cost of services, taxes, non-monetary costs, community costs, environmental costs, etc. most likely because they do not want the public to know that they know what the maximum legal population might be. Why not produce these numbers? The most likely reason is due to anticipated enormous political disruption.

It has not been lost on the residents of SJC that studies related to the deleterious impact of such population growth, funded by or received by SJC during the early part of this century, are nowhere to be found on the county's web site. These studies include the Cost of Community Services report and the Study of Socioeconomic Impacts of Growth Pressure in Selected Seasonal/Resort Communities; I don't know if such materials are buried somewhere in county archives and only retrievable via a Public Records Request (PRR), though without a formal legal discovery process, who would even know to ask the question? These studies appear to be available only on one website in the world: [doebay.net/appeal](http://doebay.net/appeal)

At a minimum, Council should require DCD to "run the numbers" (which takes nanoseconds) to calculate what the max legal density-assigned population is and make that number public. The SJC data to do this is supplied in the attachments. Note that this data had to be obtained by a PRR. The GDLI information is not published in the county's web site regarding GIS open data resource area.

***Cindy, in the CC deliberation phase, please ask your fellow council members to explain why a buildout and impact analysis should not be undertaken. It is, more than anything else, THE fundamental question that the county has consistently refused to undertake for the past 3 decades and essential to any meaningful CP. It is essential that the full council go on record as to why the docket should, or should not, be made part of the work order.***

With regard to the argument that "buildout" data has been done via the county's Land Capacity Analysis (LCA), I supply a commentary on an excerpt from the Friends of the San Juans (FOSJ) 03 support letter:

### **C. Request 21-0003—Resource capacity analysis**

We support the request to prepare a resource capacity analysis that takes the results of the County's 2018 Land Capacity Analysis and evaluates the impacts of that buildout on our community's quality of life.

Having read the LCA multiple times, I find it all but incomprehensible and certainly in the context of my docket request, irrelevant and misleading. The LCA is DCD's obscure and yet presumably best practices attempt to describe whether SJC has sufficient land to meet the county's obligation, not just under GMA but also under a WWGMBH order, that at least 50% of the projected OFM-initiated population projection for SJC for the next 20 years be available to house full time residents in the county's few UGAs. The LCA is specifically addressing the 20 year planning period, 2016-2036. There is nothing in there that deals with buildout, i.e., an "end-game" scenario in which every legal parcel was subdivided to its maximum number of parcels and each parcel thus formed, along with any parcels in the county which are currently undeveloped (defined as having a building value assigned by the assessor to be less than \$42,000 for that parcel), contains a residential structure (assuming it hasn't been already restricted to

commercial, industrial or public land—parks, roads, etc.— purposes.) This buildout population estimate does not have a time period, such as 2036, attached to it.

The LCA is designed as a back stop to any possible GMA challenge that might reveal that SJC did not meet the 50% standard for activity center (UGA) population up to 2036. Since SJC has accepted a population estimate of about 3000 new people (roughly 1500 new SFRs), then the LCA has to demonstrate that sufficient UGA land to accommodate 750 of those SFRs is available. As to impact, there is nothing in the LCA that suggests there would be any limitation on meeting this population projection due to resource unavailability, such as water. Indeed, I don't recall anything in the LCA that describes any impact. The LCA merely shows that sufficient UGA acres are available with requisite densities to fulfill this requirement. However, "showing" that there is sufficient land capacity in the UGAs is a far cry from *requiring* that new development occur there to meet the GMA goal. Somewhere in the mountain of documents I have read from DCD is an admission that DCD is not expecting much of the new population to go to the UGAs. As I recall but cannot locate, they are expecting (i.e., "planning") that something like 75% of new population growth will occur in the rural lands of the county, certifying that the CP is irrelevant and that the market rules.

As to rural lands density, GMA case law has honed in on a "bright line" between "rural" and "suburban or sprawl" of an average density in rural lands of a county that must be at least 1 dwelling unit (du) per 5 acres. Any rural lands densities in excess of that (i.e., more dense than 1du/5) is considered sprawl.

As an example of dry and incomprehensible, yet of vital significance, [one page](#) (attached below) of many many pages of dense numeric documentation [provided by SJC](#) during the litigation process, produced by the Planning Department in 2001, is a wall of tabular information. It has been annotated to reveal an otherwise obscure finding. You will note that it shows the density (in dwelling units/acre) of rural lands in SJC. Prior to petitioners successful challenge of the CP, the 1998 density of rural lands (think "trees and vistas") of SJC was 1 du/1.8 acres; you will see this as a red circle on the chart. At less than 1 DU/2 acres, the rural lands of the county at buildout, (70-90% of all acres in the county depending on definition of "rural lands") would look like a suburb. After the 1999 and 2000 WWGMHB rulings, the revised rural lands density at buildout is 1 du/4 acres (which is also "sprawl"), seen in the green circle. This quiet line in the middle of just one page (index number 260166) of a bushel of pages says, to anyone who knows what it means and where to find it, that at buildout SJC rural lands will be experienced as sprawl, as suburbia, as a whole landscape of tiny hobby farms over what, today, looks like unending undisturbed forest. You will not find this page in the CP nor will you find that this information has been made visible by news organizations, the Planning Department nor the County Council.

The point of advancing 03 to be a work component is to illuminate these hidden realities. DCD may be overloaded, but to argue against doing this fundamental work, an argument maintained by SJC for 30 years, is far below minimum acceptable standards for a CP, especially one that is in such conflict with the vast majority of residents.

You were elected to make tough and right/proper/appropriate decisions. If you cannot support 03, you must explain why.

With appreciation for the challenge before you,

Joe Symons  
Olga WA

Attachments:

Editorial from Island Record, 1977, re the need for a buildout population calculation.

List of Support letters sent to PC regarding 03

PRR GDLI data released in 2019 by DCD pursuant to a PRR

Summary of GDLI data (Symons)

Rural lands density at buildout in SJC / Official court document